IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

Bail Appl..No. 728 of 2007()

CC.582/2004 of J.M.F.C.,MAVELIKKARA
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PETITIONER/ACCUSED

JOYIKUTTY, S/O.SAMUEL,
PUTHUCHIRAYIL PUTHENVEETTIL,
KOTTURKAVU MURI, MAVELIKKARA.

BY ADV. SRI.C.S.MANU
SRI.ANOOP.V.NAIR
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ABHILASH AKBAR

RESPONDENTS: COMPLAINANT AND STATE
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1. STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, MAVELIKKARA
POLICE STATION, MAVELIKKARA.

2. SASIDHARAN, S/O.CHANDRAN,
KARTHIKAPPALLY PADITTATHIL, CHERUKUNNAM MURI,
THEKKEKKARA VILLAGE.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/02/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 728 OF 2007 A

Dated this the 8th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in C.C. No.582/2004 on the file of the JFCM, Mavelikkara for an offence punishable under Sec.138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Consequent on the non-appearance of the petitioner before the said court, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

The bail application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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